

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

Wendy Smith

Plaintiff

v.

**Aetna Inc. Long-Term Disability
Benefits Plan; Aetna Life
Insurance Company**

Defendants

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CIVIL NO.: 1:22-cv-371

ORIGINAL COMPLAINT

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

NOW COMES Wendy Smith, Plaintiff herein, complaining of the Aetna Inc. Long-Term Disability Benefits Plan, and Aetna Life Insurance Company, Defendants, and for cause of action would show:

1. Plaintiff resided in Blanco, Texas, which is located in the Western District of Texas, at the times material to this Complaint occurred.
2. Defendant, the Aetna Inc. Long-Term Disability Benefits Plan is an employee welfare benefit plan for employees of Aetna Inc. It may be served with citation herein by serving the Administrator of Aetna Benefits Plan, 1 CVS Drive, Woonsocket, Rhode Island, 02895.
3. Defendant, Aetna Life Insurance Company (hereinafter referred to as "Aetna") is an insurance company duly and legally formed under the laws of Connecticut,

which does business in the State of Texas, and may be served with citation herein by serving its registered agent, CT Corporation, 1999 Bryan Street, Suite 900, Dallas, Texas 75201-3136.

4. This court has original jurisdiction of this case under 28 U.S.C. § 1131, as well as 29 U.S.C. § 1132(e)(1).
5. Venue is proper in the Western District of Texas under 29 U.S.C. § 1132(e)(2).
6. Plaintiff brings suit under the civil enforcement provisions of the Employee Retirement Income Security Act of 1974 (“ERISA”), specifically including 29 U.S.C. § 1132 (a)(1)(B). Plaintiff is a participant in or beneficiary of an employee welfare benefit plan, which provides benefits to Plaintiff. Plaintiff seeks to recover benefits due to her under the plan, to enforce her rights under the terms of the plan, to clarify her rights to future benefits under the terms of the plan, and to obtain other appropriate equitable relief.
7. Plaintiff further brings suit pursuant to 29 U.S.C. § 1133. After properly appealing the denial of benefits under the plan, Aetna failed to provide Plaintiff a full and fair review.
8. In 2017, Plaintiff was employed by Aetna Inc. as a Nurse Case Manager, when she became disabled. Plaintiff was determined to be disabled by the Social Security Administration under its criteria as of May 1, 2017. At the time she became disabled, Plaintiff was a participant in Aetna Inc.’s employee welfare benefits Plan. The plan provided, *inter alia*, Long Term Disability (LTD) benefits to Plaintiff.

Aetna Inc.'s LTD benefits plan is identified as Group Control No. 0698456. Aetna administered Aetna Inc.'s LTD benefits plan and acted as claims fiduciary.

9. Plaintiff properly submitted an LTD claim to Aetna identified as disability claim number 16349006 which was initially approved, but thereafter denied on October 28, 2019.
10. Plaintiff properly appealed the denial of her LTD claim to Aetna, the designated fiduciary of the plan, but Plaintiff's appeal of the denial of LTD benefits was denied on August 6, 2020.
11. Plaintiff has exhausted all required administrative remedies available to her under the plan. All conditions precedent to this cause of action have been met or have occurred.
12. The plan at issue in this case does not lawfully delegate discretionary authority to Aetna. Aetna's benefit determinations are therefore subject to *de novo* review.
13. Plaintiff is entitled to recover under the civil enforcement provisions of ERISA and seeks the benefits she has been denied, clarification of her right to receive future benefits under the plan, attorney's fees and expenses incurred herein and other appropriate equitable relief.

WHEREFORE, Plaintiff prays that Defendants be cited to appear herein and answer and that on final hearing, she be granted judgment against Defendants for her damages, plus pre-judgment and post-judgment legal interest, for costs of suit, for reasonable attorney's fees and expenses incurred and that Plaintiff have a clarification of

her right to receive future benefits under the Plan, to which she may show herself justly entitled under the attending facts and circumstances.

Respectfully submitted,

By: /s/ Lonnie Roach
LONNIE ROACH
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State Bar No. 16967600

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